



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Ecology AO # 07-14

☒ Permanent Rule
☐ Emergency Rule

Effective date of rule:

Permanent Rules

- ☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- ☐ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: Chapter 347, 2007 laws. (Senate Bill 5552) made changes to the Natural Resource Damage Assessment (NRDA) assessment penalty from \$50 to \$100 per gallon of oil spilled.

- WAC Chapter 173-183- 320 will be amended to reflect the change.

The same law also provided a change in definition of oil to include "oils of any kind." This includes biological fuels, such as biodiesel. This change will affect all current rules that reference to the definition.

- Change to the definition of "oil" to match the statute will be made to WAC 173-180-025; 173-184-025; 173-182-030; 173-183-100; and 317-05-020.

This amendment will make rules consistent with law.

Citation of existing rules affected by this order:

Repealed:

Amended: 173-180-025; 173-184-025; 173-182-030; 173-183-100; 173-183-320; 317-05-020

Suspended:

Statutory authority for adoption: Chapter 90.56; 88.46; 90.48 RCW

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 07-18-062 on August 31, 2007 (date):

Describe any changes other than editing from proposed to adopted version: No changes were made.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted:

11/7/07

NAME (TYPE OR PRINT)

Jay J. Manning

SIGNATURE

Jay J. Manning

TITLE

Director, Department of Ecology

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

NOV 7 2007

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07-22-19

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(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	<u>0</u>	Repealed	_____
Federal rules or standards:	New	_____	Amended	<u>0</u>	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>6</u>	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>6</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____